

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
 Hiroki SATO et al. : Attn: BOX PCT
 Serial No. 10/089,448 : Docket No. 2002_0348A
 Filed March 29, 2002 :
 INOCULATING AGENT, SPAWNED INSECT
 AND METHOD OF PRODUCING FRUIT
 BODIES OF ENTOMOPATHOGENIC FUNGI
 [Corresponding to PCT/JP99/05317
 Filed September 29, 1999]

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Assistant Commissioner for Patents,
 Washington, DC 20231

Sir:

The PTO Notification also requires a multiple dependent claim fee of \$280.00. However, although not acknowledged on the first page of the Notification, a Preliminary Amendment was filed with the other papers, which amends the claims to avoid the multiple dependent claims. A copy of the postcard receipt for the papers, including the Preliminary Amendment, is enclosed.

Unlike the other papers prepared by Applicants' attorney, the copy of the Preliminary Amendment in Applicants' attorney's file is not signed. Accordingly, please find enclosed herewith a signed copy of the Preliminary Amendment.


Under these circumstances, it is respectfully submitted that the multiple dependent claim fee of \$280.00 need not be paid.

However, if the PTO determines that the multiple dependent fee is required, perhaps because the Preliminary Amendment was not signed, authorization is hereby given to charge the fee to

Applicants' attorney's deposit account (23-0975). For this purpose, a duplicate of this paper is enclosed.

Respectfully submitted,

Hiroki SATO et al.

By 
Michael R. Davis
Registration No. 25,134
Attorney for Applicants

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Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
July 19, 2002

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

FORM PTO 1390
(REV 5-93)

US DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NUMBER
2002_0348A # 3TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. §371U.S. APPLICATION NO.
(If known, see 37 CFR 1.3)
10/089,448International Application No.
PCT/JP99/05317International Filing Date
September 29, 1999

Priority Date Claimed

Title of InventionINOCULATING AGENT, SPAWNED INSECT AND METHOD OF PRODUCING FRUIT BODIES OF
ENTOMOPATHOGENIC FUNGI**Applicant(s) For DO/EO/US**

Hiroki SATO and Mitsuaki SHIMAZU

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. §371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. §371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. §371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. §371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. §371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. §371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3)).
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19.
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. §371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. §371(c)(5)).

Items 11. to 14. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☒ Other items or information:
 - (a) Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)
 - (b) Copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
10/089,448

INTERNATIONAL APPLICATION NO.
PCT/JP99/05317

ATTORNEY'S DOCKET NO.
2002 0348A

15. [X] The following fees are submitted

BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):

Neither international preliminary examination fee nor international search fee paid to USPTO
and International Search Report not prepared by the EPO or JPO \$1040.00
International Search Report has been prepared by the EPO or JPO \$ 890.00
International preliminary examination fee not paid to USPTO but international search
paid to USPTO \$ 740.00
International preliminary examination fee paid to USPTO but claims did not satisfy provisions
of PCT Article 33(1)-(4) \$ 690.00
International preliminary examination fee paid to USPTO and all claims satisfied provisions of
PCT Article 33(1)-(4) \$ 100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

Surcharge of \$130.00 for furnishing the oath or declaration later than [] 20 [X] 30 months from the earliest
claimed priority date (37 CFR 1.492(e)).

Claims	Number Filed	Number Extra	Rate
Total Claims	-20 =		X \$18.00
Independent Claims	- 3 =		X \$84.00
Multiple dependent claim(s) (if applicable)			+ \$280.00

TOTAL OF ABOVE CALCULATIONS =

[] Small Entity Status is hereby asserted. Above fees are reduced by 1/2.

SUBTOTAL =

Processing fee of \$130.00 for furnishing the English translation later than [] 20 [] 30 months from the earliest
claimed priority date (37 CFR 1.492(f)). +

TOTAL NATIONAL FEE =

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an
appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +

TOTAL FEES ENCLOSED =

07/24/2002 MKAYPAGH 00000087 10089448

01 FC:154 130.00 DP

- a. [X] A check in the amount of \$170.00 to cover the above fees is enclosed. A duplicate copy of this form is enclosed.
b. [] Please charge my Deposit Account No. 23-0975 in the amount of \$_____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
c. [] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
overpayment to Deposit Account No. 23-0975.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) r (b))
must be filed and granted to restore the application to pending status.

19. CORRESPONDENCE ADDRESS



000513

PATENT TRADEMARK OFFICE

By:

Michael R. Davis
Michael R. Davis,
Registration No. 25,134

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July 19, 2002

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

[CHECK NO. 51217]

[2002_0348A]



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/089,448	Hiroki Sato	2002-0348A

INTERNATIONAL APPLICATION NO.

PCT/JP99/05317

I.A. FILING DATE	PRIORITY DATE
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09/29/1999

000513

 WENDEROTH, LIND & PONACK, L.L.P.
 2033 K STREET N. W.
 SUITE 800
 WASHINGTON, DC 20006-1021

CONFIRMATION NO. 9408

371 FORMALITIES LETTER



OC00000008247052

Date Mailed: 06/07/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Request for Immediate Examination

 RECEIVED
 JUN 13 2002

WENDEROTH, LIND & PONACK

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions

of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of **\$280** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$410** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$280**
 - **\$280** for multiple dependant claims surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 305-3659

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/089,448	PCT/JP99/05317	2002-0348A